

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELWOOD GENE HALL,

Defendant.

CR-90-24-BLGS-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 20, 2020. (Doc. 71.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 19, 2020. (Doc. 68.) The United States accused Hall of violating his conditions of supervised release 1) by failing to reside at a place approved by his probation officer; 2) by using methamphetamine; and 3) knowingly residing in a home with children under the age of 18. (Doc. 65 at 3.)

At the revocation hearing, Hall admitted that he had violated the conditions of his supervised release 1) by failing to reside at a place approved by his probation officer; 2) by using methamphetamine; and 3) by knowingly residing in a home with children under the age of 18. (68.) Judge Johnston found that Hall's violations warrant revocation, and recommended that Hall be incarcerated for 18 months, with 12 months of supervised release to follow. Hall should serve his term of custody at FCI Petersburg in Virginia, or at FCI Yazoo City in Mississippi, if possible. The supervised release conditions imposed previously should be continued. The District Court should consider terminating Hall's supervised release if Hall successfully completes his sex offender treatment program while in custody. (Doc. 71 at 4.) Hall waived his right to allocute before the undersigned and the 14 day right to appeal. (Doc. 143.)

The violations prove serious and warrant revocation of Hall's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 71) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Elwood Gene Hall be incarcerated for a term of 18 months, with 12 months of supervised release to follow. Hall should serve his term of custody at FCI Petersburg in Virginia, or at

FCI Yazoo City in Mississippi, if possible. The supervised release conditions imposed previously should be continued. The District Court will consider terminating Hall's supervised release if Hall successfully completes his sex offender treatment program while in custody

DATED this 20th day of February, 2020.



Brian Morris
United States District Court Judge